

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

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UNITED STATES OF AMERICA

- v. -

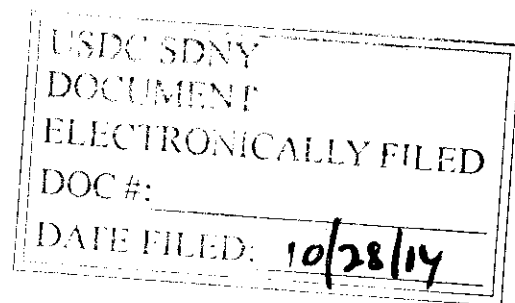
JOSE LUIS GRACESQUI,
a/k/a "Luis Perez,"
a/k/a "Ramon Ortiz,"
a/k/a "Onel Colon,"
a/k/a "Muffler"; and
FRANK MERCEDES,
a/k/a "Jabao,"

Defendants.

-----X

SEALED SUPERSEDING
INDICTMENT

S1 10 Cr. 0074



COUNT ONE

The Grand Jury charges:

1. In or about the summer of 1999, up to and including on or about July 19, 1999, in the Southern District of New York and elsewhere, while engaged in an offense punishable under Section 841(b)(1)(A) of Title 21, United States Code, to wit, a conspiracy to distribute and to possess with intent to distribute 1 kilogram and more of mixtures and substances containing a detectable amount of heroin, JOSE LUIS GRACESQUI, a/k/a "Luis Perez," a/k/a "Ramon Ortiz," a/k/a "Onel Colon," a/k/a "Muffler," and FRANK MERCEDES, a/k/a "Jabao," the

defendants, and others known and unknown, intentionally and knowingly killed, and counseled, commanded, induced, procured, and caused the intentional killing of Richard Diaz, and such killing resulted.

(Title 21, United States Code, Section 848(e)(1)(A) and Title 18, United States Code, Section 2.)

COUNT TWO

The Grand Jury further charges:

2. In or about the summer of 1999, up to and including on or about July 19, 1999, in the Southern District of New York, JOSE LUIS GRACESQUI, a/k/a "Luis Perez," a/k/a "Ramon Ortiz," a/k/a "Onel Colon," a/k/a "Muffler"; and FRANK MERCEDES, a/k/a "Jabao," the defendants, and others known and unknown, knowingly did combine, conspire, confederate, and agree together and with each other to travel in and cause another to travel in interstate and foreign commerce, and to use and cause another to use the mail and a facility of interstate and foreign commerce, with intent that a murder be committed in violation of the laws of a State and the United States as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value, to wit, MERCEDES and co-conspirators not named as defendants herein agreed to pay GRACESQUI and other co-conspirators not named as defendants

herein to kill a person who had stolen heroin from MERCEDES, and in the course thereof did use and cause the use of facilities of interstate commerce, which resulted in the death of Richard Diaz.

(Title 18, United States Code, Section 1958.)

COUNT THREE

The Grand Jury further charges:

3. In or about the summer of 1999, up to and including on or about July 19, 1999, in the Southern District of New York, JOSE LUIS GRACESQUI, a/k/a "Luis Perez," a/k/a "Ramon Ortiz," a/k/a "Onel Colon," a/k/a "Muffler"; and FRANK MERCEDES, a/k/a "Jabao," the defendants, and others known and unknown, knowingly did travel in and cause another to travel in interstate and foreign commerce, and did use and cause another to use the mail and a facility of interstate and foreign commerce, with intent that a murder be committed in violation of the laws of a State and the United States as consideration for the receipt of, and as consideration for a promise and agreement to pay, a thing of pecuniary value, to wit, MERCEDES and others paid GRACESQUI and others to kill a person who had stolen heroin from MERCEDES, and in the course thereof did use and cause the use of facilities of

interstate commerce, which resulted in the death of Richard Diaz.

(Title 18, United States Code, Sections 1958 and 2.)

COUNT FOUR

The Grand Jury further charges:

4. On or about July 19, 1999, in the Southern District of New York and elsewhere, JOSE LUIS GRACESQUI, a/k/a "Luis Perez," a/k/a "Ramon Ortiz," a/k/a "Onel Colon," a/k/a "Muffler"; and FRANK MERCEDES, a/k/a "Jabao," the defendants, and others known and unknown, willfully and knowingly, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the murder-for-hire conspiracy charged in Count Two of this Indictment and the murder-for-hire charged in Count Three of this Indictment, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, and in the course of that crime did cause the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111(a), to wit, MERCEDES hired GRACESQUI and others to kill a person who had stolen heroin from MERCEDES, and GRACESQUI and others thereafter shot to death Richard Diaz in the vicinity of Payson Avenue and Riverside Drive, New York, New York.

(Title 18, United States Code, Sections 924(j) and 2.)

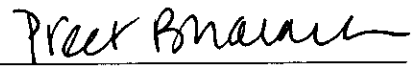
COUNT FIVE

The Grand Jury further charges:

5. On or about October 13, 2000, in the Southern District of New York and elsewhere, JOSE LUIS GRACESQUI, a/k/a "Luis Perez," a/k/a "Ramon Ortiz," a/k/a "Onel Colon," a/k/a "Muffler", the defendant, and others known and unknown, willfully and knowingly, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, a conspiracy to commit robbery, in violation of Title 18, United States Code, Section 1951, did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, and in the course of that crime did cause the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111(a), to wit, GRACESQUI caused the death of John Ochoa by discharging a firearm during an attempt to rob Ochoa of narcotics proceeds, in the vicinity of 58-21 43rd Avenue, Queens, New York.

(Title 18, United States Code, Sections 924(j) and 2.)


FOREPERSON


PREET BHARARA
United States Attorney

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Defendants.

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SUPERSEDING INDICTMENT

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(18 U.S.C. §§ 924(j), 1958 and 2; 21 U.S.C. § 848(e)(1)(A).)

PREET BHARARA

United States Attorney.

A TRUE BILL

Foreperson



10/28/14
OK Filed Sealed Superseding Indictment.
G/W issued. Justy Gouard
USMJ